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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 FOURTH AGE LTD., *et al*,

14 Plaintiffs,

15 v.

16 WARNER BROS. DIGITAL
17 DISTRIBUTION, *et al*,

18 Defendants.

19
20 WARNER BROS. DIGITAL
21 DISTRIBUTION INC., *et al*,

22 Counterclaim
23 Plaintiffs,

24 v.

25 FOURTH AGE LTD., *et al*,

26 Counterclaim
Defendants.

Case No. 12-9912-AB (SHx)

Hon. André Birotte, Jr.

JOINT REPORT REGARDING STATUS
OF SPECIAL MASTER PROCEEDINGS
PURSUANT TO AUGUST 10 AND
SEPTEMBER 8, 2015 ORDERS

Action filed: November 19, 2012

1 On August 10, 2015, the Court scheduled a status conference for October 5,
2 2015 regarding the status of the parties' selection of the Special Master to conduct
3 the *in camera* review of the remaining documents on the Tolkien/HC Parties'
4 privilege logs (Dkt. # 394).

5 On September 8, 2015, the Court ordered that the Honorable Terry B.
6 Friedman (Ret.) be appointed to serve as Special Master for the *in camera* review.
7 (Dkt. # 400).

8 Also on September 8, the Court continued the October 5 Status Conference
9 to October 19, 2015, and ordered the parties to submit this status report on the
10 Special Master Proceedings (Dkt. # 401).

11 Status of Special Master Proceedings.

12 On September 25, 2015, the parties submitted the operative pleadings along
13 with various motion papers for the Special Master's review.

14 On September 29, 2015, the Special Master held a telephonic conference
15 with counsel. The Special Master instructed the parties to meet and confer in good
16 faith by October 2, 2015 in an effort to establish procedures to be followed by the
17 Special Master in reviewing the documents contained on plaintiffs' logs. The
18 parties shall file, by October 6, 2015 any agreement they have reached or, to the
19 extent they cannot reach full agreement, briefs setting forth their respective
20 positions regarding the review protocol. The Special Master has reserved a time on
21 October 8, 2015 for a hearing on any outstanding protocol issues.

22 In accordance with the Special Master's Order, the parties are in the process
23 of meeting and conferring with respect to the review protocol.

24 Status of Plaintiffs' Anti-SLAPP Appeal.

25 The Ninth Circuit has advised the parties that the matter is ordered submitted
26 without oral argument on October 22, 2015, pursuant to Fed. R. App. P. 34(a)(2).
27 The parties will promptly notify the Court once the Ninth Circuit has issued its
28 opinion.

1 Status of Expert Discovery and Anticipated Motions for Summary Judgment.

2 The parties are in the process of completing the expert depositions that each
3 side has requested be scheduled. Following that, and the Ninth Circuit's opinion in
4 the pending anti-SLAPP appeal, which the parties hope will be rendered shortly, the
5 parties intend to promptly move for summary judgment.

6

7 DATED: October 5, 2015

O'MELVENY & MYERS LLP

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9 By: /s/ Daniel M. Petrocelli
10 DANIEL M. PETROCELLI
11 Attorneys for the Warner Parties

12 DATED: October 5, 2015

ARNOLD & PORTER LLP

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14 By: /s/ Martin R. Glick
15 MARTIN R. GLICK
16 Attorneys for The Saul Zaentz Company

17 DATED: October 5, 2015

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19 By: /s/ Elisabeth A. Moriarty
20 ELISABETH A. MORIARTY
21 Attorneys for The Tolkien/HC Parties

22 Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other
23 signatories listed, and on whose behalf the filing is submitted, concur in the filing's
24 content and have authorized the filing.

1 DATED: October 5, 2015

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